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Doc description: Information Disclosure Statement (IDS) Filed

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		10662724	
	Filing Date		2003-09-15	
	First Named Inventor		Sachin Garg	
	Art Unit		2443	
	Examiner Name		Sikri, Anish	
	Attorney Docket Number		503027-A-US-NP(ABG)(A063)	

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	1					

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	10682724	
Filing Date	2003-09-15	
First Named Inventor	Sachin Garg	
Art Unit	2443	<b>FAX RECEIVED</b> <b>AUG 11 2011</b> <b>OFFICE OF PETITIONS</b>
Examiner Name	Sikri, Anish	
Attorney Docket Number	503027-A-US-NP(ABG)(A063)	

1	Canadian Patent Application No. 2,465,153, CIPO Office Action dated 1/25/10, Avaya Technology Corp., 3 pages.	<input type="checkbox"/>
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**EXAMINER SIGNATURE**

Examiner Signature		Date Considered	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		10662724
	Filing Date		2003-09-15
	First Named Inventor	Sachin Garg	
	Art Unit	2443	
	Examiner Name	Sikri, Anish	
	Attorney Docket Number	503027-A-US-NP(ABG)(A063)	

# **CERTIFICATION STATEMENT**

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**AUG 11 2011**

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Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

- ☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- ☐ See attached certification statement.
- ☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- ☒ A certification statement is not submitted herewith.

## **SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/s/ John P. Maldjian /	Date (YYYY-MM-DD)	2011-08-11
Name/Print	John P. Maldjian	Registration Number	41967

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
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January 25, 2010

**MACRAE & CO.**  
P.O. Box 806  
Station B  
OTTAWA Ontario  
K1P 5T4

**Application No. : 2,465,153**  
**Owner : AVAYA TECHNOLOGY CORP.**  
**Title : CONGESTION MANAGEMENT IN TELECOMMUNICATIONS NETWORKS**  
**Classification : H04L 29/02 (2006.01)**  
**Your File No. : 30172**  
**Examiner : Xiaoyun Hu**

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*, IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(a) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on November 27, 2008.

The number of claims in this application is 10.

*References re-applied*

United States Application

D1: US 2002/0159388 A1 □

31 October 2002

KUKUCHI et al.

United States Patent

D2: US 6,570,848 B1 □

27 May 2003

LOUGHRAN et al.

□ citation stemming from a foreign search report

D1 discloses a congestion control unit designed to handle communication at high speed by reducing a load of congestion processing conducted in a core router and an edge router.

D2 discloses a method of congestion control in a packet based network by monitoring a measure of back-pressure to determine the rate thereof and to adjust the discarding of packets depending on the rate of increase or decrease of the rate.

Canada

OPIC  CIPO

2,465,153

- 2 -

**Obviousness**

Applicant's arguments in the latest correspondence dated November 27, 2008 with regard to the section 28.3 objection have been considered, but are not convincing for the reasons stated below.

The correspondence dated November 27, 2008 (pages 1 and 2) states that the alleged inventive feature which differs claim 1 from the cited prior art documents D1 and D2 is that all of the protocol data units received at one input are en route to one congestible node.

However, in D1 (paras. [0040] to [0050]; Figures 2 and 3), a congestion control unit is disclosed. The interface between the congestion control section and the output queue can be considered as such a congestible node in the network where all of the protocol data units are received and processed (D1, Figures 2 and 3). Accordingly, D1 discloses, in accordance with the features of independent claim 1, a method comprising:

receiving a first plurality of protocol data units at a first input, wherein all of said first plurality of protocol data units are en route to a first congestible node (D1, para. [0043] and Figure 2);

maintaining at a protocol-data-unit excisor (D1, Figure 3 - the congestion control section comprising a packet discarding judgement section) a first queue for said plurality of protocol data units (D1, para. [0047] and Figures 2, 3 and 4 - a measurement queue);

selectively dropping, at said protocol-data-unit excisor, one or more of said protocol data units based on a first metric of said first queue (D1, paras. [0041] to [0050]).

D1 fails to disclose receiving a flow control signal that indicates whether the congestible node is ready to receive one or more of said protocol data units from the queue. However, D2 discloses a method of congestion control wherein a switch sends back flow control frames to a transmitting source to cease sending packets (D2, col. 3, lines 36 to 61). It would have been obvious for a person of ordinary skill in the art of network congestion control to incorporate the method of indicating when a congestible node is ready to receive one or more protocol data units as taught in D2 to the method of congestion control as taught in D1 to arrive at the claimed subject matter. Therefore, the subject matter of claim 1 is considered obvious having regard to D1 in view of D2.

Independent claim 6 defines a protocol-data-unit excisor corresponding to the method of claim 1, therefore, the same objections apply. The subject matter of claim 6 is considered obvious having regard to D1 in view of D2.

Dependent claims 2 and 9 define the additional feature of implementing the dropping of a protocol data unit using Random Early Detection (RED). This refers to a well known congestion control method and in addition, is disclosed in D1 (paras. [0007] and [0008]). Therefore, the subject matter of claims 2 and 9 is considered obvious having regard to D1 in view of D2.

2,465,153

- 3 -

Dependent claims 3 and 7 define the additional feature of using a back-pressure flow control. This is disclosed in D2 (col. 3, lines 36 to 61). Therefore, the subject matter of claims 3 and 7 is considered obvious having regard to D1 in view of D2.

Dependent claims 4 and 8 define the additional feature of using the Pause Frame Procedure of IEEE 802.3 as the flow control indication. This refers to minor implementation details falling within the general knowledge of the skilled person. Therefore, the subject matter of claims 4 and 8 is considered obvious having regard to D1 in view of D2 and common knowledge.

Dependent claims 5 and 10 define the additional feature of a second queue in the protocol data unit excisor and a second congestible node. This is a mere straightforward repeat of the same method as that of claim 1 to a second congestible node, and therefore is not considered to involve an inventive step. Therefore, the subject matter of claims 5 and 10 is considered obvious having regard to D1 in view of D2.

For the reasons stated above, claims 1 to 10 do not comply with section 28.3 of the *Patent Act*.

In view of the foregoing defects, the applicant is requested, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Xiaoyun Hu  
Patent Examiner  
(819) 934-7569

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	10662724			
<b>Filing Date:</b>	15-Sep-2003			
<b>Title of Invention:</b>	<b>FAX RECEIVED</b> <b>AUG 11 2011</b> <b>OFFICE OF PETITIONS</b>  CONGESTION MANAGEMENT IN TELECOMMUNICATIONS NETWORKS			
<b>First Named Inventor/Applicant Name:</b>	Sachin Garg			
<b>Filer:</b>	John P. Maldjian			
<b>Attorney Docket Number:</b>	503027-A-US-NP(ABG)(A063)			
Filed as Large Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
Petition fee- 37 CFR 1.17(g) (Group II)	1463	1	200	200
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				



Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
Request for continued examination	1801	1	810	810
<b>Total in USD (\$)</b>				<b>1010</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	10712451
<b>Application Number:</b>	10662724
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1503
<b>Title of Invention:</b>	<p style="text-align: center;"><b>FAX RECEIVED</b></p> <p style="text-align: center;"><b>AUG 11 2011</b></p> <p style="text-align: center;"><b>OFFICE OF PETITIONS</b></p> <p>CONGESTION MANAGEMENT IN TELECOMMUNICATIONS NETWORKS</p>
<b>First Named Inventor/Applicant Name:</b>	Sachin Garg
<b>Customer Number:</b>	95495
<b>Filer:</b>	John P. Maldjian
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	503027-A-US-NP(ABG)(A063)
<b>Receipt Date:</b>	11-AUG-2011
<b>Filing Date:</b>	15-SEP-2003
<b>Time Stamp:</b>	10:39:53
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

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Payment Type	Deposit Account
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**File Listing:**

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition to Withdraw from Issue	A063_Petition_to_Withdraw.pdf	58778 15ad27c6a6d0f53613354a60d12600c77 e3a0b	no	2

**Warnings:****Information:**

2	Request for Continued Examination (RCE)	A063_RCE.pdf	35989 34a57dca28a782400c074a1317c0d0818d1 e3b147	no	3
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4	Foreign Reference	A063_CIPO_Office_Action.pdf	100033 019d866511101d0a0a75f0e077a04a0a01 0d/e2	no	3
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5	Fee Worksheet (SB06)	fee-info.pdf	32136 RcDtwxBf406C311Vyya0hd4751e477a510e 3bd	no	2
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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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**New International Application Filed with the USPTO as a Receiving Office**

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